

Message Text

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PAGE 01 CANBER 06001 190915Z

17

ACTION EB-07

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 NEA-10

AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 FRB-03 H-02

INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05

CIEP-01 SS-15 STR-04 ITC-01 TRSE-00 USIA-06 PRS-01

SP-02 OMB-01 FEA-01 OIC-02 /139 W

----- 046405

R 190713Z AUG 76

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 8780

INFO USMISSION GENEVA

USDEL MTN GENEVA UNN

USMISSION OECD PARIS

LIMITED OFFICIAL USE CANBERRA 6001

E.O. 11652: N/A

TAGS: ETRD, GATT, AS

SUBJECT: IMPLEMENTATION OF ANTIDUMPING LEGISLATION BY PARTIES
TO GATT ANTIDUMPING CODE

REF: (A) STATE 200895, (B) CANBERRA 4620

1. EMBASSY HAS NO INDICATION THAT AUSTRALIA IS USING THREAT
OF ANTIDUMPING INVESTIGATIONS TO EXTRACT PRICE OR QUANTITATIVE
UNDERTAKINGS FROM COMPANIES EXPORTING TO AUSTRALIA.

2. AUSTRALIA PASSED ITS CURRENT ANTI-DUMPING ACT IN JUNE
1975, REPLACING PREVIOUS DUMPING AND SUBSIDIES ACTS, IN ORDER
TO BRING ITS LAW INTO CONFORMITY WITH GATT CODE. ALL
INDICATIONS AVAILABLE TO EMBASSY ARE THAT GOVERNMENT IS FOLLOW-
ING SPIRIT AS WELL AS LETTER OF CODE.

3. A COMPLAINING AUSTRALIAN FIRM IS REQUIRED TO SUBMIT
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PAGE 02 CANBER 06001 190915Z

QUESTIONNAIRE TO PROVIDE EVIDENCE TO SUPPORT ITS DUMPING

CHARGES. ACCORDING TO CUSTOMS OFFICIALS, SOME COMPLAINTS ARE THROWN OUT AT THAT STAGE FOR OBVIOUS LACK OF JUSTIFICATION. DURING NEXT STAGE, INVESTIGATION OVERSEAS BY CUSTOMS OFFICERS TO DETERMINE NORMAL SELLING PRICE, EXPORTING FIRMS COULD, IF THEY CHOSE TO DO SO, CAUSE PROCEEDINGS TO BE TERMINATED BY UNDERTAKING TO RAISE PRICES. HOWEVER, EMBASSY CONCLUDES, FROM FACT THAT INVESTIGATIONS UNDERTAKEN OF U.S. EXPORTS (REF B LISTING) ARE PROCEEDING IN APPARENTLY ROUTINE FASHION AND FROM DETAILED CONVERSATION WITH CUSTOMS OFFICIALS REGARDING AUSTRALIAN PROCEDURES, THAT AUSTRALIA IS NOT PROMOTING COMPANY PRICE UNDERTAKINGS IN ABSENCE OF OFFICIAL FINDINGS OF DUMPING WITH INJURY.

4. LOGIC ALSO ARGUES AGAINST THIS AS A TACTIC. EXPORTS ARE HINDERED DURING DUMPING INVESTIGATION ONLY IF CASH SECURITY (I.E. BOND) IS REQUIRED, AS IS PROVIDED FOR IN ARTICLE 10 OF GATT CODE. AUSTRALIAN CUSTOMS OFFICIALS STATE THAT IN INSTANCES WHERE CASH SECURITY IS REQUIRED AS CONSEQUENCE OF PRELIMINARY FINDING OF INJURY FROM DUMPED IMPORTS, THEY ARE ADHERING TO PARAGRAPHS (C) AND (D) OF ARTICLE 10, WHICH REQUIRE NOTIFICATION TO EXPORTING COUNTRY AND PROVIDE THREE MONTH LIMIT TO TEMPORARY MEASURES. EXPORTING COMPANY NOT CONFRONTED WITH CASH SECURITY REQUIREMENT WOULD APPEAR TO HAVE NO INCENTIVE TO ALTER ITS PRICES PRIOR TO FINDING OF DUMPING WITH INJURY INASMUCH AS ITS EXPORTS DURING PERIOD OF INVESTIGATION CAN CONTINUE AS NORMAL.

HARGROVE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTIDUMPING LAW (TRADE), INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976CANBER06001
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760318-0081
From: CANBERRA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760840/aaaabhyj.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 200895, 76 CANBERRA 4620
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 20 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 APR 2004 by BoyleJA>; APPROVED <14 SEP 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IMPLEMENTATION OF ANTIDUMPING LEGISLATION BY PARTIES TO GATT ANTIDUMPING CODE
TAGS: ETRD, AS, GATT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006